

**STATE BOARD OF EDUCATION  
ADMINISTRATIVE CODE  
COMMENT/RESPONSE FORM**

This comment and response form contains comments from and since the July 11, 2018, meeting of the State Board of Education when the rulemaking was considered at First Discussion Level.

**Topic:** Standards and Assessment

**Meeting Date:** August 1, 2018

**Code Citation:** N.J.A.C. 6A:8

**Level:** Second Discussion

**Division:** Academics and Performance

**Completed by:** Division of Academics and  
Performance

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received from State Board of Education members and members of the public and the Department's responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Arcelio Aponte, President  
State Board of Education
- B. Kathy A. Goldenberg, Vice President  
State Board of Education
- C. Fatimah Burnam-Watkins, Member  
State Board of Education
- D. Dr. Ronald Butcher, Member  
State Board of Education
- E. Sylvia Sylvia-Cioffi, Member  
State Board of Education
- F. Dr. Nedd James Johnson, Member  
State Board of Education
- G. Andrew J. Mulvihill, Member  
State Board of Education
- H. Dr. Joseph Ricca, Member  
State Board of Education
- I. Nora Faverzani, Student Representative  
State Board of Education
- 1. Rose Acerra, President  
New Jersey PTA
- 2. Donna Custard, President  
New Jersey Chamber of Commerce Foundation

3. Patricia Morgan, Executive Director  
JerseyCAN
4. Tia Morris, Executive Director  
Teach for America New Jersey
5. Andrew Musick  
New Jersey Business and Industry Association
6. Shelly Skinner, Executive Director  
Better Education for Kids
7. Michael Taylor, Education Committee Chair  
African American Chamber of Commerce of New Jersey

1. **COMMENT:** The commenters commended the Department for its two-month extensive stakeholder engagement regarding the State assessment system and thanked the Commissioner and Department for their hard work on the issue, especially for listening to stakeholders and seriously considering their feedback. The commenters stated that the Department is correctly focusing on what is best for students and headed in the right direction with a needs assessment and data analysis of the State assessment system before developing a long-term plan. **(B, D, F, H)**

**RESPONSE:** The Department thanks the commenters for the support of the outreach effort. The Department conducted 75 in-person sessions and three live webinars, and heard from more than 2,300 students, teachers, school and school district leaders, educational advocates, and community leaders around the State. A report describing the outreach process and summarizing the feedback and short-term next steps is available on the Department's [website](https://www.state.nj.us/education/assessment/AssessmentReportSummary.pdf) at <https://www.state.nj.us/education/assessment/AssessmentReportSummary.pdf>. The Department encourages anyone who did not have the opportunity to participate in the recent outreach to submit comments to the State Board during the rulemaking process. Throughout the 2018-2019 school year, the Department will be conducting a second phase of outreach to continue to engage in conversations about how New Jersey's system of Statewide assessments can be continually improved and best meet the needs of students.

2. **COMMENT:** The commenter stated that assessments play a role in ensuring that students are college and career ready, but assessments are merely a snapshot in time and part of a larger picture of a student's performance. The commenter also stated that the education community has lost focus on what should be a student-centric approach to helping students grow and develop so that they are college and career ready. The commenter acknowledged that the Department has been given a unique opportunity to reflect on the current assessment system and expressed support for the Department's initiative to utilize the opportunity for flexibility and innovation from the Federal government. The commenter further stated the focus of accountability is shifting back to where it belongs -- viewing children at a granular level and helping each student grow. **(F)**

**RESPONSE:** The Department thanks the commenter for the support.

3. **COMMENT:** The commenter sought assurance that there was equity in the outreach process so that certain groups were not overrepresented or underrepresented. The commenter asked whether the Department's stakeholder outreach provided the opportunity to participate to constituent groups representing the varying demographics throughout the State, especially groups that may have dissenting and varying opinions. The commenter asked how the Department selected where to hold the outreach meetings and if the meeting data has been broken down by type and demographic of school to show that different voices and demographics were represented across the State. (C)

**RESPONSE:** The Department received an overwhelming response to its initial notice announcing the meetings to receive feedback on the State's assessment system. To best accommodate the high demand for participation, the Department conducted 75 in-person sessions and three live webinars, and heard from more than 2,300 students, teachers, school and school district leaders, educational advocates, and community leaders around the State. The Department held two types of meetings to achieve diversity in participation: "community meetings," where community groups invited attendees, and "collaboratives," where the Department invited attendees. Demographically diverse groups of people were invited to, and participated in, the stakeholder outreach sessions. The index in the [summary of the Statewide assessment outreach](#) includes the location of each outreach meeting and the source of each statement, showing a diverse cross-section of the State that included urban, suburban, and rural areas.

4. **COMMENT:** The commenter expressed support for the Department's proposed amendments related to English language learners (ELLs) and students who have an individualized education program (IEP). (A)

**RESPONSE:** The Department thanks the commenter for the support.

5. **COMMENT:** The commenter supported the proposed amendment at N.J.A.C. 6A:8-4.3(a) to change the timeframe for chief school administrators to report final results of annual State assessments to district boards of education from 60 days to 45 days of receipt of the information from the Department. (A)

**RESPONSE:** The Department thanks the commenter for the support.

6. **COMMENT:** The commenter asked what the current deadline is for the Department to provide State assessment results to school districts. The commenter also asked if the Department has looked at improving the speed with which it provides the information to school districts. (G)

**RESPONSE:** During the last four years, the Department has significantly decreased the amount of time between when students are administered the State assessments and when school districts are provided the results. Currently, the Department issues performance reports multiple times throughout the summer. For example, the assessment window for the 2018-2019 school year ended June 8, 2018. The Department then provided school districts approximately one week to clean up their data. On June 14, 2018, the Department released the first report, which provided school districts the opportunity to view student scores online. The Department also issued the aggregate results at the end of July. In August, the Department will issue additional reports so all reports will have been provided to school districts before the first day of school for the 2018-2019 school year. The full schedule of reporting dates can be found on the Department's [website](#) at

While efficiencies in report delivery have improved over the last several years, stakeholders from across the State shared with the Department that timeliness with data is a priority moving forward. The Department is committed to improving return times as the next generation assessment system is developed.

7. **COMMENT:** The commenter expressed support for deadlines for reporting of assessment results to parents and students, as the information can be used to guide instruction and scheduling. The commenter stated that the timeline of 45 days proposed at N.J.A.C. 6A:8-4.3(a) is not enough time as it could be a challenge for district boards of education given their meeting calendar. The commenter suggested a 60-day deadline. **(H)**

**RESPONSE:** The Department maintains that data should be viewed by teachers and parents as soon as possible. The 45-day deadline would require school districts to release individual student reports (ISRs), provide teachers with test data, and provide district board of education members a public report in a timely manner. The Department maintains that 45 days is adequate time for school districts to provide the critical data, which provides actionable, usable, and meaningful information for parents, teachers, and district board of education members. Additionally, it has been a past practice in the last few years to provide school districts with student, school and district-level data at least four weeks in advance of the final report release, which would trigger the 45-day deadline.

8. **COMMENT:** The commenter stated that even though the proposed rulemaking would reduce the number of State assessments in high school from six to two, not all students are tested in Geometry and Algebra II. The commenter stated students who take other coursework to fulfill the requirement of an advanced mathematics, such as statistics, would not be required to take the PARCC assessments in Geometry and Algebra II. The commenter stated that students who have the option of taking Geometry and Algebra II should continue to exercise that option. The commenter requested the number of students who have taken the Geometry and Algebra II PARCC assessments. The commenter also stated the State should continue to administer Geometry and Algebra II assessments to students who take the courses. **(A)**

**RESPONSE:** Current State graduation coursework requirements include Geometry. Specifically, students are required to take at least 15 credits in mathematics, including: Algebra I or the content equivalent; Geometry or the content equivalent; and a third year of mathematics that builds on the concepts and skills of Algebra and Geometry and that prepares students for college and 21st century careers.

The commenter is correct that if a student chooses a mathematics class other than Algebra II to meet the course requirement described above, no Statewide assessment is provided; however, school district, school, or classroom assessments might be administered. Assessment requirements are based on specific courses and not all students take the same assessments since students take different combinations of courses.

While all students who take a Geometry course are expected to take the Statewide Geometry assessment, current regulations require students in the class of 2020 and beyond to have taken each Statewide assessment for courses in which they were enrolled,

before they have access to the alternative pathways or portfolio appeals process. The Department's proposal to eliminate four of the State high school assessments will streamline the variables involved in determining which assessments students take. The proposal also will ensure that graduation expectations are clear and each student has access to college and career pathways.

In 2017, 110,215 students took the Algebra I assessment, 88,079 students took the Geometry assessment, and 74,931 students took the Algebra II assessment.

9. **COMMENT:** The commenter expressed concern about the proposed elimination of the end-of-course assessments in English language arts (ELA) 9 and 11, especially since a representative from New Meridian (the nonprofit organization that manages the assessment items formerly administered through PARCC) suggested the end-of-course assessment in ELA 11 is better suited to assess how New Jersey is performing nationally. (A)

**RESPONSE:** New Meridian referenced a study conducted by Pearson Education that examined PARCC's college readiness benchmarks, as compared to the benchmarks created by the College Board and ACT. The study examined all six PARCC end-of-course assessments (i.e., Algebra I, Geometry, Algebra 2, and ELA 9, 10, and 11). The researchers concluded, "[o]verall, results indicated that a student meeting the benchmark on the PARCC test had a high probability of making the benchmark on the external test, but the converse did not hold for students meeting the benchmark on the external test, for the majority of comparisons. These results suggest that meeting the PARCC benchmark is an indicator of academic readiness for college."

This research illustrates that ELA 11 is not significantly better at determining academic readiness for college than ELA 10 when compared to nationally benchmarked assessments. In fact, both ELA 10 and ELA 11 were considered a more rigorous benchmark when compared to the SAT Evidence-Based Reading and Writing section. The [study](https://parcc-assessment.org/wp-content/uploads/2018/07/PARCC-PLS-Longitudinal-Validation-Study-Report-to-PARCC-v3.0.pdf) is available at <https://parcc-assessment.org/wp-content/uploads/2018/07/PARCC-PLS-Longitudinal-Validation-Study-Report-to-PARCC-v3.0.pdf>.

10. **COMMENT:** The commenters expressed concern that administering only one ELA assessment will make it difficult to measure growth, as well as acceleration and areas of deficiency. (A, B)

**RESPONSE:** New Jersey currently administers ELA assessments in grades 9, 10 and 11, but there are no State growth metrics associated with the high school assessments. Schools and school districts use benchmarks -- or formative assessments -- among many tools to measure student growth, as teachers perpetually evaluate academic progress throughout the school year. The Department continues to value growth as indicated by the emphasis on student growth percentiles in grades three to eight. The Department also will continue to work with high school educators to ensure they have the metrics and response strategies needed so every student has a path to post-secondary success.

11. **COMMENT:** The commenter asked whether the Department is recommending that the two high school State assessments be administered in the beginning or end of the school year. The commenter stated the Department should take into consideration whether students will be taking the SAT or ACT when deciding if the ELA 10 and Algebra I assessments will be administered in the beginning of sophomore year or at the end. The

commenter also stated students would have time to improve their skills if the State assessments are administered in the beginning of the year and individual results are received before a student takes the SAT or ACT. **(B)**

**RESPONSE:** The Department intends to continue administering the assessments in ELA 10 and Algebra I at the end of the courses, which is usually at the end of the school year, because the assessments are summative assessments. The proposed amendments to N.J.A.C. 6A:8 are based on the Department's first phase of outreach to identify changes to the assessment system that could be recommended or implemented immediately. The additional issues, including the timing and frequency of assessments, will be examined during the second phase of outreach as the Department continues to explore how to best improve New Jersey's system of Statewide assessments.

12. **COMMENT:** The commenter asked if the SAT and ACT are currently assessment options to meet the graduation requirements in place of the end-of-course PARCC assessments, and if they will continue to be options under the recommended rule proposal. The commenter asked what scores students have to achieve on the SAT and ACT to meet the State assessment graduation requirement. **(B)**

**RESPONSE:** N.J.A.C. 6A:8-5.1 currently allows students in graduating classes up through 2020 to satisfy graduation requirements by demonstrating proficiency on alternative assessments, including the SAT and ACT, if they have not met the requirements through PARCC. The proposed amendments include continuing to allow this option for students in the class of 2019 and beyond. The Department annually sets "cut scores" for the alternative assessments that students may take to fulfill graduation requirements and publishes them in a broadcast memo. The current cut scores posted for the graduating class of 2018 can be found on the Department's [website](https://www.state.nj.us/education/assessment/parents/GradReq.pdf) at <https://www.state.nj.us/education/assessment/parents/GradReq.pdf>.

13. **COMMENT:** The commenter expressed concern that the State ELA assessment will be given only in grade 10. The commenter asked if school districts will have the ability to identify performance gaps and sufficient time to help students master the grade-level content if students are taking the ELA assessment in grade 10 and not getting the results until grade 11. **(C)**

**RESPONSE:** The Department maintains there are sufficient opportunities to identify performance gaps outside of State assessments and remains committed to ensuring that students entering high school who are struggling in ELA will receive the proper remediation and support. The Department's proposal is intended to afford greater flexibility so school districts can shift the focus from preparing students for State assessments to developing post-secondary pathways for each student, including providing necessary supports to struggling students. Educators will continue to have the ability to identify struggling students with information and data other than State assessments, including course-level information and absenteeism.

14. **COMMENT:** The commenter expressed concern regarding students who are not adequately prepared for higher education and need to take remediation classes when they enter college. The commenter asked if the Department examines State assessment data for the most vulnerable students – from the communities of color and low-income backgrounds – to help inform its decisions regarding assessments. The commenter stated that data clearly indicates many students are not persisting through college – and the data typically define where struggling students fall on the lines of race and class. The

commenter questioned whether the Department's proposal to reduce the number of high school assessments will adequately address lower-performing students who may need intervention. The commenter acknowledged that assessments are not the only tool to help identify struggling students, but the assessments can help educators ascertain which students are in danger of not being college ready. (C)

**RESPONSE:** The Department remains committed to maintaining high standards for every student and to ensuring that students who are struggling academically receive the proper remediation and support. Decreasing the number of required assessments will afford school districts greater flexibility and enable educators to shift the focus from ensuring that students prepare for State assessments to ensuring each student develops a pathway to post-secondary success. Educators will continue to be able to remediate students and measure their progress with more granular data and real-time information, including classroom grades, formative assessments, and attendance.

The Department intends to address more complex, specific issues such as timing and frequency of assessments during the second phase of outreach. The Department will also be addressing intervention strategies and will be working with educators who represent a diverse cross-section of the State.

15. **COMMENT:** The commenter stated an Algebra II end-of-course assessment should continue to not be a graduation requirement, as it is appropriate only as a college or career admission criteria for some students. The commenter also stated an ELA 9 end-of-course assessment is unnecessary, as the data from the ELA 8 assessment is a sufficient indicator of student performance upon entering high school. (D)

**RESPONSE:** The Department thanks the commenter for the support.

16. **COMMENT:** The commenter stated that many people think that PARCC is a good assessment, but the concern lies more with the number and length of tests. The commenter opposed the proposed reduction in the number of high school assessments. The commenter asked why the Department would eliminate a tool for parents, who are consumers, when they are making decisions about where to send their child to school. The commenter stated that the development of the PARCC assessments took approximately two years and was conducted in a deliberate manner. The commenter stated the proposed amendments and current view of assessments in the State are being driven by politics and particular stakeholders who do not want accountability for educators.

The commenter stated accountability is very important and that standards and assessments are an integral part of ensuring great teachers are leading classrooms. (G)

**RESPONSE:** The Department agrees that accountability is important. The Department also agrees that State assessments are a critical tool in comparing student success across schools and providing a helpful gauge to assess the quality of instruction and curricula to which all students, particularly historically disadvantaged student groups, have access. However, the Department maintains that the required mathematics and ELA assessments in grades three through eight, plus Algebra I and ELA 10, provide a wealth of information to help identify students' needs. Additionally, schools and educators have many other tools, including local assessments, performance reports, student grades, and absenteeism data, to assist in identifying student needs.



It is important to note that State assessments given in high school are not used in teacher evaluations. The proposed reduction in high school assessments are designed to assist both students and teachers by shifting the focus from passing assessments to putting every student on a path to post-secondary success.

- 17. COMMENT:** The commenter noted that people claim there is too much testing in New Jersey schools. The commenter asked how much testing occurs; what is the appropriate amount of testing; what is the science behind that determination and who makes it. The commenter asked if the Department has proposed to reduce the State assessments in high school from six to two because students are spending too much time taking tests. The commenter asked how the Department decided to eliminate four of the six high school State assessments. (G)

**RESPONSE:** The Department has proposed to reduce the number of State assessments, in part, in response to the concern expressed by many students, parents, and educators throughout the State that students spend multiple days taking State assessments that absorb valuable resources, including educator time and access to technology. In high school, multiple standardized assessments (i.e., PSAT, SAT, ACT, and Advance Placement) plus locally developed exams and benchmark assessments provide parents, students, and educators with a wealth of information on student progress. Among other factors, the amendments proposed by the Department consider the other ways students are assessed. The proposed recommendation will scale back the footprint of State assessments to allow greater flexibility at the local level. .

- 18. COMMENT:** The commenter asked the Department to provide the percentage of students administered State assessments in high school. (G)

**RESPONSE:** In 2017, 110,215 students took the Algebra I assessment, 88,079 students took the Geometry assessment, and 74,931 students took the Algebra II assessment.

- 19. COMMENT:** The commenter stated that many students are very confused by the current graduation assessment requirements and expressed appreciation for the Department's effort to clarify and refine the requirements, which students will find helpful going forward. The commenter expressed support for the proposed amendment to continue the assessment options for graduation for the class of 2020 and beyond and reasoned that many students also will support it. The commenter stated the extension of the assessment options will be a tremendous help to students, especially for students who take Advanced Placement tests and the SAT and ACT. (I)

**RESPONSE:** The Department thanks the commenter for the support.

- 20. COMMENT:** The commenter asked whether the Department is keeping the content of the PARCC assessments and simply changing the name to "State assessments." The commenter stated that it was a sign of progress that PARCC is more closely aligned with the National Assessment of Educational Progress (NAEP) than the previous assessments for grades three through eight (New Jersey Assessment of Skills and Knowledge or NJ ASK). (A)

**RESPONSE:** The PARCC consortium has disbanded, which provides the Department the opportunity to individualize the assessment name. State assessments for the 2018-2019 school year will leverage the questions collaboratively created by the PARCC consortium.



21. **COMMENT:** The commenter asked how many changes were made to the PARCC assessments to accommodate changes that were needed by school districts. **(B)**

**RESPONSE:** The PARCC assessment system has evolved based on feedback from test administrators and educators in New Jersey. PARCC was initially designed to be a through-course assessment to be given four times a year, which was reduced to two times a year based on feedback from educators. The first administration included one performance-based assessment administered mid-year, and one end-of-year assessment. The Department then combined the two parts into one assessment in response to feedback from educators that the twice a year administration was very disruptive. The Department also reduced testing time twice since the initial administration.

22. **COMMENT:** The commenter asked if any school districts are not currently equipped with the technology to administer the PARCC assessments. **(B)**

**RESPONSE:** In the first year of PARCC administration, 99.4 percent of students took the PARCC assessments on some type of computer. The computer usage for PARCC increased to 99.6 percent. The Department will always have to make State assessments available on paper for students who need certain accommodations.

23. **COMMENT:** The commenter asked how the data from the PARCC assessments have been used by educators, students, and parents to improve students' abilities. **(B)**

**RESPONSE:** While the use of PARCC assessment data varies from school district to school district, the goal of the data is to provide information at the student, school district, and State levels. Educators can use individual student reports to determine whether a student needs remediation or acceleration and school and school district leaders can use the data to evaluate school and school district performance. In this regard, school and school district leaders can evaluate whether there are curriculum gaps and identify standards that are not being met successfully by certain groups of students, including subgroups or classes of students, or particular schools. School and school district leaders can then examine their curriculum map, student progress or lack of progress, and the delivery of standards to better inform curriculum and instruction in classrooms. The Department can help school districts to understand the New Jersey Student Learning Standards (NJSLS) more deeply and to create formative assessments that measure student progress and better prepare all students for end-of-course assessments.

24. **COMMENT:** The commenter stated that State assessments should continue to play a role in teacher accountability but there should be a student-centric approach where the outcomes are about helping students grow and develop so they are college and career ready. The commenter stated the proposed rulemaking does not remove accountability but shifts the focus back to students at a granular level and how to help each student grow. The commenter also stated assessments are just one snapshot on a single day and they are part of the evaluation the school district and school leaders and teachers examine. **(F)**

**RESPONSE:** The Department thanks the commenter for the support.

25. **COMMENT:** The commenter asked whether stakeholders have advocated for reducing the weight of State assessments in educator evaluations and how the Department concluded the weight should be reduced. **(G)**

**RESPONSE:** The Department has reviewed national research negating the benefits of linking student assessment results to teacher evaluations. There is a national trend to thinking differently about what improves instruction in classrooms and student performance.

26. **COMMENT:** The commenter stated it is his understanding that State assessment results are being used in teacher evaluations because school districts were having difficulty identifying underperforming teachers, helping the identified teachers perform better, and dismissing them if progress is not made. The commenter stated that despite using State assessments in teacher evaluations, there has not been much change in identifying, helping, or dismissing underperforming teachers. (G)

**RESPONSE:** The proposed amendments will not affect teacher evaluations, as the high school assessments that the Department is proposing to eliminate are not used in teacher evaluations.

27. **COMMENT:** The commenter stated the educators who lead classrooms every day and are motivated to teach and serve students are responsible for keeping students moving forward rather than high-stakes assessments. The commenter stated that most teachers are their hardest critics and judge themselves probably harsher than anyone else especially when they examine the outcomes in their classrooms and look the faces of their students whom they serve every day. The commenter acknowledged there are some teachers who need extra assistance or to be counseled in another direction, but they are not the majority of teachers. The commenter stated the Department should heed educators' concerns that students are being over tested and that not enough time is spent on authentic learning opportunities – and make adjustments accordingly. (H)

**RESPONSE:** The Department listened to educators during its extensive outreach, and educators' opinions are reflected in the Statewide Assessment Outreach Summary of Findings, Recommendations for Next Steps. The Department will continue to seek the opinion of educators in the second phase of its outreach.

28. **COMMENT:** The commenter asked if students or parents know the role that PARCC has played in teacher evaluations (G)

**RESPONSE:** The Department expects that students and parents are generally aware that PARCC scores are linked to the evaluation of ELA and mathematics teachers in grades four through eight and certain administrators, but are probably not familiar with the nuances of the evaluation formula.

29. **COMMENT:** The commenter asked whether a student who moves into a school district from another state or school district would be administered a State assessment under the rules as proposed for amendment, and whether student mobility was a factor in the Department's consideration of the proposed amendments. (B)

**RESPONSE:** School districts assess transfer students through a guidance counselor to ensure appropriate course placement. If a student has passed the high school equivalency assessment of another state, New Jersey will give the student credit for the corresponding course if it is on the student's transcript. School districts also are well-positioned to evaluate students who could have experienced an interrupted education, especially through benchmark testing.

30. **COMMENT:** The commenter asked if the Department has student mobility data regarding students who change schools within a school district, change school districts, or come from out-of-State. **(D)**

**RESPONSE:** The Department no longer maintains student mobility data.

31. **COMMENT:** The commenter asked if we have seen improvements in the State's PARCC scores during the past few years. **(G)**

**RESPONSE:** PARCC results have improved over the three-year period from 2015 to 2017. At the high school level, more students have met or exceeded expectations by 5.4 percent in Algebra I, 7.4 percent in Geometry, 2.7 percent in Algebra II, 11.7 percent in ELA 9, and 9.7 percent in ELA 10. There was a decrease of 2.6 percent in ELA 11.

32. **COMMENT:** The commenter recognized that the State assessment system needs improvement and expressed appreciation for the outreach conducted by the Department. The commenter expressed appreciation for the recommendation to provide testing results in a more timely manner. The commenter expressed concern about ensuring that students who graduate are prepared for success, and that the additional pathways to graduation maintain a high level of rigor. **(1)**

**RESPONSE:** The Department thanks the commenter for the support and feedback. The Department's priority is to ensure that high school students graduate from college and career ready. The proposed rulemaking maintains that priority.

33. **COMMENT:** The commenter stated that eliminating the State ELA 9 assessment will take away an important tool for parents to assess where their children are and where they need to go, as ninth grade is an important transition year and an indicator of later academic success. The commenter also expressed concern about eliminating the State Algebra II assessment, stating that studies have shown it is one of the leading predictors of later success in college and the workforce. The commenter also stated reducing the number of required State assessments sends a negative message to students that the State is lowering expectations the State should be raising the bar. **(3)**

**RESPONSE:** The Department's priority is to ensure that high school students have equal access to a high-quality education that enables them to graduate college and career ready. The proposed rulemaking does not compromise that priority or lower student expectations.

34. **COMMENT:** The commenter expressed concern about the impact of the proposed amendments and supported strong educational standards and rigorous assessment programs to ensure the State's future workforce is prepared for the jobs of tomorrow. **(5)**

**RESPONSE:** New Jersey's graduation requirements are among the most rigorous in the nation and are supported by the high-quality NJSLs. The Department's priority is to ensure that high school students graduate college and career ready. The proposed rulemaking supports that priority.

35. **COMMENT:** The commenter stated that eliminating four high school exams will end four opportunities to compare how students are performing across the State's schools. The commenter stated that the State assessments are one objective way to ensure students

from all backgrounds are provided equitable access to resources and opportunities to compete in college and beyond. (7)

**RESPONSE:** The Department agrees that State assessments provide an opportunity to assess how students from different backgrounds are performing. After weighing the benefits of administering six State high school assessments against the value of the data the assessments provide, the Department determined the benefit of the ELA 9 and 11, Geometry, and Algebra II assessments is marginal compared to the resources, time and effort absorbed by the four additional assessments.

36. **COMMENT:** The commenters questioned the educational rationale for the proposed amendments and expressed concern that eliminating assessments, particularly those in grade nine, will lessen the ability to assess and improve student learning. The commenters stated that there was little discussion at the July 11 State Board meeting about student outcomes, revelations from the last three years of PARCC data, the skills and subject mastery that New Jersey students are expected to have when they graduate high school, and how the loss of tests in grade nine will impact the ability to assess grade-level learning. The commenters also questioned how the State will replace the data provided by the assessments proposed for elimination. The commenters stated that high-quality tests are the best critical diagnostic tools for educators to understand student proficiencies and deficiencies and to better inform instruction, citing a review by the National Network of State Teachers of the Year. The commenters also stated that PARCC assessment data give all New Jersey stakeholders information about the achievement gap between student subgroups. (1, 2, 3, 4, 6, 7)

**RESPONSE:** The Department agrees that State assessments provide a snapshot of how students from different backgrounds performed in a particular school year. High school educators have many other tools for assessing student preparedness in a more granular, timely way to drive needed interventions. After weighing the benefits of administering six State high school assessments against the value of the data the assessments provide, the Department determined the benefit of the ELA 9 and 11, Geometry, and Algebra II assessments is marginal compared to the resources, time, and effort absorbed by the four additional assessments.

The Department remains committed to ensuring that students who are struggling academically receive proper remediation and support. By decreasing the number of required State assessments, the Department's proposal will afford high school educators, students, and families greater flexibility, so the focus can shift from preparing for State assessments to collaboratively developing a pathway to post-secondary success for every student.

37. **COMMENT:** The commenters requested the State Board move public discussion of the proposed rulemaking to September when more parents and stakeholders are available to participate in the conversation. The commenters requested that current student data, including 2017-2018 Statewide PARCC results, be made available for the discussion. (1, 2, 3, 4, 6, 7)

**RESPONSE:** The Department thanks the commenter for the suggestion. The public will have more opportunity to comment on the proposed rules over the next several months before the State Board adopts a final rule.



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
PO Box 500  
TRENTON, NJ 08625-0500

**Second Discussion**  
**August 1, 2018**

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

LAMONT O. REPOLLET, Ed.D.  
*Commissioner*

TO: Members, State Board of Education

FROM: Lamont O. Repollet, Ed.D.  
Commissioner

SUBJECT: N.J.A.C. 6A:8, Standards and Assessment

REASON  
FOR ACTION: Amendments

AUTHORITY: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5,  
18A:35-4.2 and 4.7, and 18A:59-5.

SUNSET DATE: May 3, 2025

### **Summary**

The Department of Education (Department) proposes to amend N.J.A.C. 6A:8, Standards and Assessment. The chapter, which implements the New Jersey Student Learning Standards (NJSLS), the Statewide assessment system, and State high school graduation requirements, is being revised to reflect the Department's transition to a next generation of State assessments. As a part of this transition, the Department proposes to simplify graduation requirements and to clarify assessment requirements for English Language Learner (ELL) students and students with disabilities.

The proposed amendments are in response to extensive stakeholder feedback gathered through a Statewide assessment outreach. The listening tour has allowed Department staff to gather insights from representatives with diverse educational perspectives and firsthand knowledge of the realities of test administration, including students, parents, teachers, administrators, district board of education members, and community organizations in every county. The Department will present a transition plan that summarizes the feedback, outlines changes that can be made for the 2018-2019 school year, and plans for longer-term changes. The Department is committed to transitioning assessments in a way that will be least disruptive to schools, school districts, and, most importantly, students.

The proposed rulemaking is an initial step in the transition of the Statewide assessment system and is based on the overwhelming feedback that the State's current graduation requirements are overly complex, too restrictive, and do not accurately capture the learning of ELLs and special education students. The Department anticipates initiating another rulemaking in the near future to implement the next phase of the assessment system after the full transition plan is presented.

The Department proposes to administer only State English language arts (ELA) 10 and Algebra I assessments for high schools rather than the current six Partnership for Assessment of Readiness for College and Careers (PARCC) end-of-course high school assessments in ELA 9, 10, and 11 and Algebra I, Geometry, and Algebra II. This reduction in the number of assessments taken in high school will eliminate the need for students to take State assessments nearly every year in high school while still ensuring students master the knowledge and skills needed to enter the workforce, job training programs, or higher education. The change also will ensure the State remains in compliance with the Federal Every Student Succeeds Act, which requires states to test in ELA and mathematics at least once in high school. Additionally, the Department will ensure that the menu of options currently open to the class of 2019 remains open to students in the classes of 2020, 2021, 2022, and beyond.

The Department will not require any student who does not achieve a passing score on the State ELA 10 or Algebra I assessments to sit for repeated administrations of the tests to be eligible for the additional pathways permitted by N.J.A.C. 6A:8-5.1(f). However, the Department will continue to administer the State ELA 10 or Algebra I assessments for students who initially do not achieve a passing score and would like additional opportunities to show mastery of the content through State-administered assessments.

As an initial change, the Department proposes to replace most references to the PARCC end-of-course high school assessments and “PARCC” with “State ELA 10 and Algebra I assessments” to reflect the end of the PARCC consortium.

The detailed summary below explains the specific amendments that accomplish the changes outlined above, and other language alterations needed to make the rule cohesive.

### **Subchapter 1. General Provisions**

#### **N.J.A.C. 6A:8-1.3 Definitions**

This section provides definitions for words and terms used in the chapter.

The Department proposes an amendment to the definition of “alternative assessment for students with students with disabilities” to add “State” after “alternative” to clarify the term references the State-administered alternative assessment for students with disabilities and no other test. The Department also proposes the amendment throughout the chapter, where appropriate. The current alternative State assessment for students with students with disabilities is Dynamic Learning Maps (DLM).

The Department proposes to amend the definition of “PARCC assessment,” which means the set of assessments designed by PARCC used to determine student achievement of the knowledge and skills specified by the NJSLS in ELA and mathematics. The Department proposes to replace “used” with “that was used from the 2014-2015 through 2017-2018 school years” since PARCC is no longer the State assessment.

### **Subchapter 3. Implementation of the New Jersey Student Learning Standards**

#### **N.J.A.C. 6A:8-3.1 Curriculum and instruction**

This section describes a district board of education's responsibility for the design and delivery of curriculum and instruction needed to address the NJSLS. The section also requires a district board of education to ensure that appropriate instructional adaptations are designed and delivered for students

with disabilities, ELLs, students enrolled in alternative education programs, and students who are gifted and talented.

The Department propose to amend N.J.A.C. 6A:8-3.1(a)4, which makes district boards of education responsible for developing educational programs aligned with the NJSLs with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team for all students with disabilities, to specify that district boards of education are required to provide individualized accommodations, instructional adaptations, and/or modifications for students with disabilities that are specified in a student's individualized education program (IEP) or 504 plan. The proposed amendments will clarify that a student's IEP or 504 plan establishes the individualized accommodations, instructional adaptations, and/or modifications that a district board of education must provide.

## **Subchapter 4. Implementation of the Statewide Assessment System**

### **N.J.A.C. 6A:8-4.1 Statewide assessment system**

This section describes the Statewide assessment system linked to the NJSLs.

The Department proposes to amend N.J.A.C. 6A:8-4.1(c)3, which requires the implementation of a high school assessment program component of NJSLs that assesses, at a minimum, ELA, mathematics, and science, but carves out an exception to allow students to receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year. The Department proposes deleting this exception because the high school end-of-course PARCC assessment in ELA 11 will no longer be administered.

The Department proposes to amend N.J.A.C. 6A:8-4.1(d)1, which requires district boards of education to provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as determined by the IEP or 504 team. The Department proposes to add "all" before "appropriate accommodations" and to replace "as determined by the IEP or 504 team" with "specified in a student's IEP or 504 plan" to clarify that a student's IEP or 504 plan establishes the appropriate accommodations and modifications and that district boards of education are required to provide all such accommodations and modifications.

The Department proposes to amend N.J.A.C. 6A:8-4.1(d)1ii, which provides district boards of education with the option to allow a first-year ELL to substitute a Department-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment when the student has entered the United States after July 1 of the calendar year prior to the test administration. The Department proposes to delete "section of the elementary or middle school" after "English language arts" and to replace "July 1" with "June 1." The proposed amendments will apply the rule to first-year ELLs in elementary, middle, or high school and will move up the deadline by one month. The proposed amendments will align the rule to New Jersey's Every Student Succeeds Act (ESSA) State Plan.

The Department proposes to add N.J.A.C. 6A:8-4.1(d)3iii to state the Department shall implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities. The proposed amendment will align the section to New Jersey's ESSA State Plan.



### **N.J.A.C. 6A:8-4.3 Accountability**

This section requires specific reporting of annual State assessment results and requires district boards of education to provide appropriate instruction to improve skills and knowledge for students who perform below established proficiency levels on State or local assessments.

The Department proposes to amend N.J.A.C. 6A:8-4.3(a), which requires chief school administrators to report preliminary and final results of annual assessments to district boards of education within 60 days of receipt of information from the Department, to delete “preliminary and” before “final” because the process for the Department’s release of assessment data has changed and it no longer is appropriate for chief school administrators to publicly report preliminary data that may not include all student records. The Department also proposes to add “and members of the public” after “district boards of education” and to replace “60 days” with “45 days” to ensure the public receives final annual assessment results in a timely manner.

The Department proposes to amend N.J.A.C. 6A:8-4.3(b), which requires district boards of education to provide parents, students, and citizens with annual assessment results, to instead require chief school administrators to provide parents and students with annual assessment results, as applicable, within 45 days of receipt of the information from the Department. The proposed amendments will ensure that educators, parents, and students receive applicable results in a timely manner and will make chief school administrators responsible for disseminating the information.

### **N.J.A.C. 6A:8-4.5 Public reporting**

This section requires the Department to report annually to the State Board and the public on the progress all students and student subgroups in meeting the NJSLs as measured by the Statewide assessment system by publishing and distributing the annual New Jersey School Report Card (now called the New Jersey School Performance Reports) without compromising the confidentiality of individual students.

The Department proposes to amend N.J.A.C. 6A:8-4.5(c), which requires the Department to report performance on the alternative performance assessment (APA) with the same frequency and in the same detail as it reports on other Statewide assessments, to replace “APA” with “alternative State assessment for students with disabilities.” The name of the APA was changed in a previous rulemaking, but this reference was missed at that time.

## **Subchapter 5. Implementation of Graduation Requirements**

### **N.J.A.C. 6A:8-5.1 Graduation requirements**

This section describes the ways in which students can obtain a high school diploma.

The Department proposes to amend N.J.A.C. 6A:8-5.1(a)6, which requires district board of education graduation policies to include the requirement that all students demonstrate proficiency in the PARCC ELA 10 and Algebra I assessments, or through the alternative means set forth at N.J.A.C. 6A:8-5.1(f) through (i), to remove the reference to “the high school end-of-course PARCC.” The Department also proposes to amend the rule so students will now have to demonstrate proficiency in “assessments in ELA 10 and Algebra I, including the State ELA 10 and State Algebra I” or through the alternative means set forth at N.J.A.C. 6A:8-5.1(f) through (h). The Department proposes the same amendment at N.J.A.C. 6A:8-5.1(a)7, (f), and (f)2.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f), which was adopted in 2015 to phase-in revised graduation assessment requirements by providing alternative means of demonstrating proficiency in ELA 10 and Algebra I. The Department proposes to add language to give students the opportunity to retake an assessment if the student has not demonstrated proficiency on the ELA 10 and Algebra I assessments, in addition to the existing alternative means of demonstrating competency.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)1, which limited the ability to demonstrate competency through alternative means to specific graduating classes. The Department proposes to remove reference to the graduating classes of 2016 and 2017, and to maintain the alternative means of demonstrating proficiency for the classes of 2018 and 2019. The Department also proposes amendments to replace “both assessments” with “one or both assessment” to clarify students in the classes of 2018 and 2019 who did not achieve a passing score on either assessment could access the additional pathways. The assessment graduation requirements for the classes of 2018 and 2019 are not being changed; the proposed amendments will ensure every student in the two graduating classes continues to have access to the additional pathways.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)1i, which gives students the option of achieving a passing score on a corresponding substitute competency test in English language arts and/or mathematics, by deleting “or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II.” The proposed amendment is necessary because the Department no longer will administer ELA 9, ELA 11, Geometry, or Algebra II assessments. However, students in the classes of 2018 and 2019 can continue to use the ELA 9, ELA 11, Geometry, or Algebra II assessments to demonstrate mastery of ELA or mathematics for graduation purposes because the Department will include the assessments as corresponding substitute competency tests. The same amendment is proposed at N.J.A.C. 6A:8-5.1(f)2i for the classes of 2020 and beyond.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)2, which allows students in the graduating class of 2020 who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments to satisfy the State requirement to demonstrate proficiency in ELA and mathematics through additional pathways. The Department proposes to expand the rule to classes beyond 2020. The Department also proposes to replace “take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but” with “shall take the requisite assessments in ELA 10 and Algebra I in furtherance of meeting the requirements of (a)6i above” because the PARCC assessments no longer will be administered and only the State ELA 10 and Algebra I will be required. The Department also proposes to clarify that students may utilize an alternative pathway to meet the State assessment requirement for graduation if they do not achieve a passing score “one or both of the requisite assessments.” The Department also proposes to amend the rule to state the additional pathways will be available only to those students who have completed coursework in Algebra I and/or ELA grade 10 that culminates in the New Jersey public school awarding credit for mastery of the corresponding NJSLs. The proposed amendments align the rules with the Department’s transition to a next generation of State assessments.

The Department proposes N.J.A.C. 6A:8-5.1(f)3 to provide alternative means of demonstrating proficiency in ELA 10 or Algebra I for students in the graduating classes of 2019 and beyond who completed required coursework at a school that did not offer assessments in ELA 10 or Algebra I, including State ELA 10 and State Algebra I. The alternate means include taking and achieving a passing score on the State ELA 10 and Algebra I or achieving a passing score, as determined by the

Commissioner, on a corresponding substitute competency test in ELA and/or mathematics, as applicable, or meeting the criteria of the portfolio appeals process.

The Department proposes N.J.A.C. 6A:8-5.1(f)4 to allow first-year ELLs to substitute a Department-approved English language proficiency test for the State ELA 10 assessment in accordance with N.J.A.C. 6A:8-4.1(d)1ii. The proposed rule will align graduation assessment requirements for ELLs to New Jersey's ESSA State Plan.

The Department proposes to delete N.J.A.C. 6A:8-5.1(g), which sets forth the various ways that students beginning with the graduating class of 2021 could demonstrate proficiency in ELA and mathematics rather than passing PARCC. The proposed deletion reflects the extension of the provisions in N.J.A.C. 6A:8-5.1(f)2 to the classes of 2020 and beyond.

The Department proposes to recodify N.J.A.C. 6A:8-5.1(h) and (i) as (g) and (h), respectively.

### **N.J.A.C. 6A:8-5.2 High school diplomas**

This section provides the requirements that must be met for district boards of education to award State-endorsed high school diplomas. The section provides the other paths by which New Jersey students can earn a diploma.

The Department proposes to amend the provision in N.J.A.C. 6A:8-5.2(b)2 that allows an out-of-school individual up to age 20 from graduating classes prior to 2016 to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. The proposed amendment will replace "2016" with "2018" to ensure all members of graduating cohorts prior to the class of 2018 who qualify will have access to all options available to the classes of 2018 and 2019.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendments apply to all providers of publicly funded elementary and secondary education programs. The proposed amendments will affect individuals who administer and provide educational services, as well as students who receive the services.

The social impact of the proposed amendments on New Jersey's diverse student population will be positive, because the proposed amendments will simplify the State's high school graduation requirements for assessments while ensuring students are prepared to enter the workforce, job training programs, or higher education. The proposed amendments also will clarify the rules pertaining to students with disabilities and ELLs and, in the case of ELLs, align the requirements to New Jersey's ESSA State Plan.

The elimination of four assessments at the high school level (ELA 9 and 11, Geometry, and Algebra II) also will have a positive social impact on students, families, educators, and other individuals who administer educational services by freeing up time currently spent on administering the four assessments.

### **Economic Impact**

The economic impact of the proposed amendments will be positive. The proposed amendments will free up resources currently spent on administering the four assessments that no longer will be administered.

### **Federal Standards Statement**

The proposed amendments are in compliance with, and do not exceed, Federal education requirements included in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the proposed amendments.

### **Jobs Impact**

The Department does not anticipate the proposed amendments will result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The proposed amendments will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Analysis**

The proposed amendments apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including APSSDs. APSSDs are entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities placed by the district board of education responsible for providing the students' education. Most APSSDs could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The chapter's rules are largely programmatic, based on achieving the NJSLs, and must be in place for all students. However, the proposed amendments will not place additional reporting requirements on APSSDs.

### **Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the rules concern academic standards, Statewide assessments, and high school graduation requirements.

### **Smart Growth Development Impact Analysis**

The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern Statewide assessments and high school graduation requirements.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement**

There is an extreme unlikelihood that the proposed amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State

because the proposed amendments concern Statewide assessments and high school graduation requirements.

**Full text** of the proposed amendments follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

# **N.J.A.C. 6A:8, STANDARDS AND ASSESSMENT**

## **TABLE OF CONTENTS**

### **SUBCHAPTER 1. GENERAL PROVISIONS**

6A:8-1.3 Definitions

### **SUBCHAPTER 3 IMPLEMENTATION OF THE NEW JERSEY STUDENT LEARNING STANDARDS**

6A:8-3.1 Curriculum and instruction

### **SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM**

6A:8-4.1 Statewide assessment system

6A:8-4.3 Accountability

6A:8- 4.5 Public reporting

### **SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS**

6A:8-5.1 Graduation requirements

6A:8-5.2 High school diplomas

## **CHAPTER 8, STANDARDS AND ASSESSMENT**

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **6A:8-1.3 Definitions**

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“ACTFL” means the American Council on the Teaching of Foreign Languages.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

“Advanced Placement courses” means courses aligned with course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

"All students" means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).



“Alternative **State** assessment for students with disabilities” means the alternative assessment used to determine cumulative student achievement of the knowledge and skills specified by the New Jersey Student Learning Standards for students with disabilities who are unable to participate in the Statewide assessment system.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“Approved private schools for the disabled” means incorporated entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

"Assessment" means a State-developed or State-approved standardized instrument or process that measures student performance levels on the New Jersey Student Learning Standards.

“Career awareness, exploration, and preparation” means instruction and programs that assist students to clarify career goals; explore career possibilities; develop employability skills; develop foundational knowledge necessary for success in the workplace; and make the transition from school to careers, including college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

“Chief school administrator” means the superintendent of schools or the administrative principal who works directly with the district board of education if there is no superintendent in the school district.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the New Jersey Student Learning Standards. The content must be taught by certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“Credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

“Cut score” means a score on the assessment scales that demarcates the various performance levels.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner or his or her designee evaluates the status of each school district or charter school.

"504 plan" means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment that substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons that makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the NJSLS.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the NJSLS at the high school level. Such opportunities may occur in all NJSLS and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences. The opportunities shall be based on student interests and career goals.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, ELLs, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSLS.

“Interdisciplinary connections” means integrating NJSLS and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21<sup>st</sup> career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“OPT” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 world languages.

"Pacing guide" means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator's ability to exercise flexibility in meeting students' learning needs.

“PARCC assessment” means the set of assessments designed by the Partnership for Assessment of Readiness for College and Careers **that was used from the 2014-2015 through 2017-2018 school years** to determine student achievement of knowledge and skills specified by the NJSL in English language arts and mathematics.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the NJSL.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes, and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic, and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors, including teachers, counselors, and parents.

“Portfolio appeals process” means an alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC **ELA**

**10 or Algebra I assessments, or the State ELA 10 and Algebra I assessments, or substitute competency tests.**

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness of teachers, principals, and other school personnel in raising student achievement.

“Proficient” or “proficiency” means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“QSAC” means the Quality Single Accountability Continuum, which is used pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.



“STAMP” means Standards-based Measurement of Proficiency, which is a test that is delivered, graded, and reported online, and that assesses students’ language proficiency from the “Novice-Low” to the “Intermediate-Mid” benchmark levels.

“Standards support materials” means documents published by the Department that include and elaborate on the NJSLS for preschool through grade 12 education, and that may assist in the development of local curricula.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“State Seal of Biliteracy” means the designation established pursuant to P.L. 2015, c. 303, to recognize high school graduates who have attained a high level of interpretive, interpersonal, and presentational proficiency in one or more languages in addition to English.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“Substitute competency test” means an alternative set of third-party assessments approved by the Commissioner, including, but not limited to the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or Accuplacer, that can be used to demonstrate competency in the NJSLs for students who have not demonstrated proficiency on PARCC **ELA 10 or Algebra I assessments, or the State ELA 10 or Algebra I** assessments.

"Technological literacy" means students meeting NJSLs 8.1 Educational Technology, obtained through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the NJSLs and other relevant experiences and achievements.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

**SUBCHAPTER 3. IMPLEMENTATION OF THE NEW JERSEY  
STUDENT LEARNING STANDARDS**

**6A:8-3.1 Curriculum and instruction**

- (a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLs and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.
1. The Department shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the NJSLs.
  2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the NJSLs.
  3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the NJSLs, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.
  4. District boards of education shall [be responsible for developing for] **provide** all students with disabilities **an** educational program[s] aligned with the NJSLs, [with appropriate] **as well as the required individualized** accommodations, instructional adaptations, and/or modifications as [determined by the] **specified in a student's IEP or 504 [team] plan.**

5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.
  - i. District boards of education shall make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures.
  - ii. District boards of education shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.
  - iii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.
  - iv. District boards of education shall take into consideration the Pre-K–Grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing programs for gifted and talented students.
6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.
  - i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.
7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the NJSLS and the English language development standards.
- (b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare

all students for college and careers upon their graduation. Examples of such programs include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.

1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade eight development of academic skills integral to success in high school courses.
  2. District boards of education of school districts that include students in at least two of the grades from six through 12 shall develop opportunities for personalization that strengthen relationships among students, teachers, staff members, families, and the larger community for students in grades six through 12.
- (c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLs, according to N.J.A.C. 6A:8-2.
1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.
  2. District boards of education shall integrate into the curriculum 21st century themes and skills.
  3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills.
- The tools include, but are not limited to:
- i. A pacing guide;
  - ii. A list of core instructional materials, including various levels of texts at each grade level;
  - iii. Benchmark assessments; and

- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.
- (d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result.

## **SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM**

### **6A:8-4.1 Statewide assessment system**

- (a) The Commissioner, in accordance with N.J.S.A. 18A:7C-1 et seq., and 18A:7E-2 and 3, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the NJSLS.
  - 1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the NJSLS at grade levels three through 12.
  - 2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLS.

- (c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the [high school end-of-course PARCC] **State English language arts (ELA) 10 and Algebra I** assessments, and the alternative **State** assessment for students with disabilities and provide notification to each student entering grades three through 12 of the Statewide assessment schedule.
1. The Department shall implement the elementary component of the Statewide assessment of the NJSLs consisting of the following:
    - i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade five.
  2. The Department shall implement the middle school component of the Statewide assessment of the NJSLs consisting of the following:
    - i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.
  3. The Department shall implement a high school assessment program component of the NJSLs that assesses, at a minimum, English language arts, mathematics, and science. [with the exception of the following:
    - i. Students may receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year.]
- (d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

1. District boards of education shall provide **all** appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as [determined by the] **specified in a student's IEP or 504 [team] plan.**
  - i. District boards of education may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.
  - ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts [section of the elementary or middle school] component of the Statewide assessment, when the student has entered the United States after [July] **June 1** of the calendar year prior to the test administration.
2. District boards of education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.
3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative **State** assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.
  - i. The Department shall implement the alternative **State** assessment for students with disabilities according to the schedules in (c)1, 2, and 3 above.
  - ii. The alternative **State** assessment for students with disabilities measures the progress of students who have been determined eligible for the



alternative **State** assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.

iii. **The Department also shall implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities.**

4. District boards of education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).
- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

#### **6A:8-4.3 Accountability**

- (a) Chief school administrators shall report [preliminary and] final results of annual assessments to district boards of education **and members of the public** within [60] **45** days of receipt of information from the Department.
- (b) [District boards of education] **Chief school administrators** shall provide **educators**, parents, **and** students[, and citizens] with the results of annual assessments [according to] **in accordance with N.J.A.C. 6A:8-4.2(a), as applicable, within 45 days of receipt of information from the Department.**
- (c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.

- (d) All students shall be expected to demonstrate the knowledge and skills of the NJSLS as measured by the Statewide assessment system.

#### **6A:8-4.5 Public reporting**

- (a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
- (b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.
- (c) The Department shall report performance on the [APA] **alternative State assessment for students with disabilities** with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students.
- (d) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

### **SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS**

#### **6A:8-5.1 Graduation requirements**

- (a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:

1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLs, including, but not limited to, the following credits:
  - i. At least 20 credits in English language arts, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;
  - ii. At least 15 credits in mathematics, including algebra I or the content equivalent effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;
  - iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/inquiry-based science course effective with 2012-2013 grade nine class;
  - iv. At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;
  - v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;
  - vi. At least 3  $\frac{3}{4}$  credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;
  - vii. At least five credits in visual and performing arts;

- viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;
  - ix. Technological literacy, consistent with the NJSLS, integrated throughout the curriculum; and
  - x. At least five credits in 21st century life and careers, or career-technical education;
2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:
- i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.
    - (1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:
      - (A) Independent study;
      - (B) Online learning;
      - (C) Study abroad programs;
      - (D) Student exchange programs; and
      - (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
    - (2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
      - (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans
      - (B) Include demonstration of student competency;

- (C) Be certified for completion based on the district process adopted according to (a)2ii below; and
    - (D) Be on file in the school district and subject to review by the Commissioner or his or her designee.
  - (3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLs shall be permitted under this section and shall be approved in the same manner as other approved courses.
- ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLs at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.
- (1) District boards of education shall choose assessments that are aligned with or exceed the NJSLs and may include locally designed assessments.
  - (2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the NJSLs:
    - (A) The STAMP online assessment;

- (B) The OPI or MOPI; or
  - (C) Department-approved locally designed competency-based assessments;
- iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.
  - (1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLs.
- 3. Local student attendance requirements;
- 4. Any other requirements established by the district board of education;
- 5. Any statutorily mandated requirements for earning a high school diploma;
- 6. The requirement that all students demonstrate proficiency [in the high school end-of-course PARCC] **by:**
  - i. **Achieving a passing score on** assessments in ELA 10 and Algebra I, **including State ELA 10 and State Algebra I;** or [through]
  - ii. **Through** the alternative means set forth at (f) through [(i)] **(h)** below;
- 7. Students graduating from an adult high school shall demonstrate proficiency in [the high school end-of-course PARCC] assessments in ELA 10 and Algebra I, **including the State ELA and State Algebra I,** or through the alternative means set forth at (f) through [(i)] **(h)** below.
- (b) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:

1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
  2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
  3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and
  4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.
- (c) Through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.
1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.
  2. District boards of education shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.
- (d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.
- (e) District boards of education shall provide each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.
- (f) [To ensure adequate transition to the new Statewide assessment system, district] **District** boards of education shall provide students who have not demonstrated proficiency on the [high school end-of-course PARCC assessments in] ELA 10 and Algebra I **assessments**

**with the opportunity to retake the applicable assessment if the student so chooses**

**and** with the opportunity to demonstrate such competence through one of the alternative means set forth below:

1. For the graduating classes of [2016, 2017,] 2018[,] and 2019 students who did not take both the ELA 10 and the Algebra I end-of-course PARCC assessment or who [take,] **took** but [do] **did** not achieve a passing score on **one or** both assessments, as required by (a)6i above, may satisfy the State requirement to demonstrate proficiency in English language arts and/or mathematics, **as applicable**, in one of the following ways:
  - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable[, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II]; or
  - ii. Meet the criteria of the portfolio appeals process; and
2. For the graduating [class] **classes** of 2020 **and beyond**, **all** students who **have completed coursework in Algebra I and/or ELA grade 10 that culminates in a New Jersey public school awarding credit for mastery of the corresponding NJSLS shall** take [all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but] **the requisite assessments in ELA 10 and Algebra I in furtherance of meeting the requirements of (a)6i above. Students who** do not achieve a passing score on **one or both of** the [ELA 10 and Algebra I end-of-course PARCC] **requisite** assessments pursuant to (a)6i above, may satisfy the



State requirement to demonstrate proficiency in English language arts and/or mathematics in one of the following ways:

- i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable[, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II]; or
- ii. Meet the criteria of the portfolio appeals process.

**3. For the graduating classes of 2019 and beyond, students who completed the required coursework at a school that did not offer assessments allowing the student the opportunity to satisfy (a)6i above shall satisfy the State requirement to demonstrate proficiency in ELA and/or mathematics in one of the following ways:**

- i. **Take and achieve a passing score on the State ELA 10 and Algebra I;**  
**or**
- ii. **Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in ELA and/or mathematics, as applicable; or**
- iii. **Meet the criteria of the portfolio appeals process.**

**4. First-year ELLs who substitute a Department-approved English language proficiency test for the State ELA 10 assessment in accordance with N.J.A.C. 6A:8-4.1(d)1ii are not required to take the State ELA 10 assessment.**

[(g) Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA

10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.]

[(h)] (g) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department-approved English fluency assessment.

[(i)] (h) Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of [high school end-of-course PARCC] **the State ELA 10 or Algebra I** assessments.

#### **6A:8-5.2 High school diplomas**

- (a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a) or (c), or (d) below.
- (b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.
  - 1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20 or until the requirements for a State-endorsed diploma have been met, whichever comes first.
  - 2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass [high school end-of-course PARCC] **State assessments in ELA 10 or Algebra I** to

demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to [2016] **2018** shall demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.

- (c) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.
- (d) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows:  
English; mathematics; science; social science; and the humanities.
- (e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
  - 1. Has demonstrated proficiency in [the high school end-of-course PARCC assessments in] ELA 10 and Algebra I[, or] as set forth in N.J.A.C. 6A:8-5.1(f);
  - 2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and
  - 3. Has formally requested such early award of a State-endorsed high school diploma.
- (f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the

charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:

1. The total number of students graduated;
2. The number of students graduated under the substitute competency test process;
3. The number of students graduated under the portfolio appeals process;
4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
5. The total number of students denied graduation from the 12th grade class; and
6. The number of students denied graduation from the 12th grade class solely because of failure to pass the [high school end-of-course PARCC] **State ELA 10 or State Algebra I** assessments, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.